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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,219	10/31/2003	Christian Wilms	081276-1019	1495
34044	7590	12/01/2006	EXAMINER	
MICHAEL BEST & FRIEDRICH LLP 100 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202			GRAHAM, GARY K	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,219

Applicant(s)

WILMS ET AL.

Examiner

Gary K. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-20, 22-30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-20, 22-30 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14, 15, 23, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block (German patent 19924662).

The patent to Block discloses the invention substantially as is claimed (fig.3), including a wiper arm (12) with a device on a free end thereof for detachable, pivotal connection to a wiper blade (14). The device includes an articulating bolt (56) that can be welded to a wall of the wiper arm and a safety hook (60), which is longer than the bolt (fig. 5), for partially gripping around the wiper blade. The safety hook can be considered as being a bent section of one of the walls (54) of the arm (12). The bolt (56) is fixed to one of the walls (54) of the wiper arm and extends therefrom

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and passes through the other wall of the wiper arm. The bolt continues to extend from the other wall to a free end.

The patent to Block discloses all of the above recited subject matter with the exception of the hook being at the free end of the wiper arm with the bolt between the hook and the driving end of the wiper arm.

To rearrange or shift the order of the bolt and hook of Block does not appear inventive. Merely swapping the position of the two components of Block does not appear inventive as the operation of the device would not thereby be modified. Attachment of the blade to the arm is still achieved by introducing the blade at 90 degrees to the arm onto the bolt then pivoting by 90 degrees to secure the blade by the hook. There appears no patentable significance to switching the position of the components. It would have been obvious to one of skill in the art to switch the positions of the bolt and hook such that the bolt is between the hook and the non-free end of the wiper arm, to provide or enable uniform arm cross section from the non-free end up to the bolt (thus improving arm strength), lacking any criticality of such switch. Applicant has set forth no significance as to the order of the components.

Claims 14-17, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laar et al (Netherlands patent 1017344).

The patent to Laar discloses the invention substantially as is claimed (figs.1-3), including a wiper arm (1) with a device for detachable connection to a pivoted wiper blade at one end. The device includes an articulated bolt (4) that can be welded (12) to the wiper arm and a safety hook (not numbered, but clearly shown), which is longer than the bolt (fig.2), for partially gripping around the wiper blade. The safety hook can be considered as being a bent section of one of the walls (5,6)

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of the arm (1). The bolt (4) is fixed to one of the walls (5) of the wiper arm and extends therefrom and passes through the other wall (6) of the wiper arm. The bolt continues to extend from the other wall to a free end.

The patent to Laar discloses all of the above recited subject matter with the exception of the hook being at the free end of the wiper arm with the bolt between the hook and the driving end of the wiper arm.

To rearrange or shift the order of the bolt and hook of Laar does not appear inventive. Merely swapping the position of the two components of Laar does not appear inventive as the operation of the device would not thereby be modified. Attachment of the blade to the arm is still achieved by introducing the blade at 90 degrees to the arm onto the bolt then pivoting by 90 degrees to secure the blade by the hook. There appears no patentable significance to switching the position of the components. It would have been obvious to one of skill in the art to switch the positions of the bolt and hook such that the bolt is between the hook and the non-free end of the wiper arm, to provide or enable uniform arm cross section from the non-free end up to the bolt (thus improving arm strength), lacking any criticality of such switch. Applicant has set forth no significance as to the order of the components.

With respect to claims 16, 17, 26, 27, 29, 30 note that the arm of Laar is formed of flat material (sheet metal) that is twisted about 45 degrees at a connection section around its longitudinal axis (see fig.2).

With respect to claims 22 and 32, note the figure 6 embodiment of Laar wherein the wiper arm will restrict pivotal motion of the blade as it will be above the blade.

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Claims 14, 16, 18, 23, 24, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (KR patent 1020020072622).

The patent to Park discloses the invention substantially as is claimed (see fig.), including a wiper arm (20) with a device for detachable connection to a pivoted wiper blade (40) at one end. The device includes an articulated bolt (32) fixed to the wiper arm and a safety hook (28) for partially gripping around the wiper blade. With respect to claims 16 and 26, note that the arm of Park is formed of flat material that is twisted about 90 degrees at a connection section around its longitudinal axis (see fig.2). The safety hook can be considered as being a bent section of one of the walls of the arm (20). The bolt (32) is fixed to at least one of the walls (54) of the wiper arm and extends therefrom and passes through the other wall of the wiper arm. The bolt continues to extend from the other wall to a free end.

The patent to Park discloses all of the above recited subject matter with the exception of the hook being at the free end of the wiper arm with the bolt between the hook and the driving end of the wiper arm.

To rearrange or shift the order of the bolt and hook of Park does not appear inventive. Merely swapping the position of the two components of Park does not appear inventive as the operation of the device would not thereby be modified. Attachment of the blade to the arm is still achieved by introducing the blade at 90 degrees to the arm onto the bolt then pivoting by 90 degrees to secure the blade by the hook. There appears no patentable significance to switching the position of the components. It would have been obvious to one of skill in the art to switch the positions of the bolt and hook such that the bolt is between the hook and the non-free end of the wiper arm, to provide or enable uniform arm cross section from the non-free end up to the bolt (thus improving

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arm strength), lacking any criticality of such switch. Applicant has set forth no significance as to the order of the components.

With respect to claims 18 and 28, note that a connecting section of Park is twisted 90 degrees about the longitudinal axis of the wiper arm.

Response to Arguments

Applicant's arguments filed 05 September 2006 have been fully considered but they are not persuasive. Applicant argues that none of the applied references teach a pin extending from the same wall from which the safety hook is bent. However, as set forth above, it appears the safety hook is bent from a wall from which the bolt extends. The bolts in the applied references extend from both walls which make up the wiper arm end. It appears applicant should define that the wiper arm is a single or sole wall at the end which defines the safety hook and from which or through the bolt extends. With respect to the argument that the applied references do not show the bolt intermediate the free end and non-free end, it should be noted that applicant sets forth in his specification that his figures 2 and 4a embodiments are mere variations of one another. No distinction has been set forth between the two. Merely shifting of the location of components, as set forth above, seems reasonable absent some criticality to the particular arrangement of the components.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

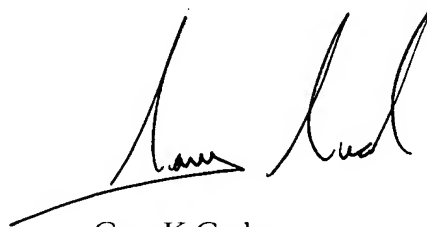
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Gary K. Graham', with a long horizontal line extending from the left side of the signature.

Gary K Graham
Primary Examiner
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GKG
27 November 2006